

CAUSE NO. DC-19-09828

D&T PARTNERS, LLC  
(successor in interest  
to ACET VENTURE  
PARTNERS, LLC),

Plaintiff,

v.

IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

ACET GLOBAL, LLC;  
BAYMARK ACET HOLDCO,  
LLC; BAYMARK ACET  
DIRECT INVEST, LLC;  
BAYMARK MANAGEMENT,  
LLC; BAYMARK PARTNERS;  
DAVID HOOK; TONY  
LUDLOW; and WINDSPEED  
TRADING, LLC,

Defendants.

116TH JUDICIAL DISTRICT

\*\*\*\*\*  
REMOTE ORAL AND VIDEOTAPED DEPOSITION OF

DANA TOMERLIN

MARCH 26, 2021

\*\*\*\*\*

REMOTE ORAL AND VIDEOTAPED DEPOSITION of DANA  
TOMERLIN, produced as a witness at the instance of the  
Defendants, and duly sworn, was taken in the  
above-styled and numbered cause on March 26, 2021,  
from 2:03 p.m. to 4:07 p.m., before MENDY A.  
Schneider, CSR, RPR, in and for the State of Texas,  
recorded by machine shorthand, remotely at the offices  
of MENDY SCHNEIDER, LLC, The Woodlands, Texas,  
pursuant to the Texas Rules of Civil Procedure and the  
provisions stated on the record or attached hereto;  
that the deposition shall be read and signed.

<p style="text-align: center;">Page 2</p> <p>1                   <b>REMOTE APPEARANCES</b></p> <p>2     FOR THE PLAINTIFF:</p> <p>3        MR. JASON B. FREEMAN  4        MR. ZACHARY MONTGOMERY  5        FREEMAN LAW  6        7011 Main Street  7        Frisco, Texas 75035  8        (214) 984-3410  9        jason@freemanlaw.com</p> <p>10    FOR THE DEFENDANT WINDSPEED TRADING, LLC:  11      MS. BRENDA HARD-WILSON  12      MR. TIM WOODS  13      HIGIER ALLEN &amp; LAUTIN  14      2711 North Haskell Ave  15      Dallas, Texas 75204  16      (972) 371-2481  17      bhard-wilson@higierallen.com</p> <p>18    FOR THE DEFENDANTS ACET GLOBAL, LLC; BAYMARK ACET HOLDCO, LLC; BAYMARK ACET DIRECT INVEST, LLC; BAYMARK MANAGEMENT, LLC; BAYMARK PARTNERS; DAVID HOOK; and TONY LUDLOW:  19      MR. EDWARD P. PERRIN, Jr.  20      HALLETT &amp; PERRIN  21      1445 Ross Avenue, Suite 2400  22      Dallas, Texas 75202  23      (214) 922-4132  24      eperrin@hallettperrin.com</p> <p>25    ALSO PRESENT:  26      MR. CHRISTIAN BARRETT, The Videographer  27      MR. RAY AGUIRRE, Worldwide IT Tech</p>	<p style="text-align: right;">Page 4</p> <p>1                   <b>THE VIDEOGRAPHER:</b> The time is  2        2:03 p.m., and we are on the record.</p> <p>3                   <b>DANA TOMERLIN,</b>  4        having been first duly sworn, testified as follows:</p> <p>5                   <b>E X A M I N A T I O N</b></p> <p>6     <b>BY MR. FREEMAN:</b></p> <p>7        Q. Hi, Ms. Tomerlin.</p> <p>8        A. Yes.</p> <p>9        Q. Could you state your full name for the  10       record?</p> <p>11       A. Dana Marie Tomerlin.</p> <p>12       Q. Thank you.</p> <p>13       Ms. Tomerlin, my name is Jason Freeman.  14       I represent D&amp;T Partners, LLC, which is the --  15       technically the successor in interest to ACET Venture  16       Partners, LLC, and I just want to make sure you know  17       we're here in connection with a lawsuit involving that  18       entity and ACET Global, LLC, Baymark ACET Holdco and  19       several Baymark companies, David Hook, Tony Ludlow and  20       Windspeed Trading, LLC.</p> <p>21       Do you understand that?</p> <p>22       A. Yes.</p> <p>23       Q. Kind of?</p> <p>24       A. Yes.</p> <p>25       Q. Have you ever had to give a deposition</p>																								
<p style="text-align: center;">Page 3</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; padding-bottom: 5px;">1                   <b>EXAMINATION INDEX</b></th> <th style="text-align: right; padding-bottom: 5px;">PAGE</th> </tr> </thead> <tbody> <tr> <td style="text-align: left; vertical-align: top;">2     WITNESS: DANA TOMERLIN</td> <td style="text-align: right; vertical-align: top;">4</td> </tr> <tr> <td style="text-align: left; vertical-align: top;">3     EXAMINATION         BY MR. FREEMAN</td> <td style="text-align: right; vertical-align: top;"></td> </tr> <tr> <td style="text-align: left; vertical-align: top;">4     SIGNATURE REQUESTED</td> <td style="text-align: right; vertical-align: top;">83</td> </tr> <tr> <td style="text-align: left; vertical-align: top;">5     REPORTER'S CERTIFICATION</td> <td style="text-align: right; vertical-align: top;">84</td> </tr> <tr> <td colspan="2" style="text-align: center; padding-top: 10px;"><b>EXHIBIT INDEX</b></td> </tr> <tr> <td colspan="2" style="text-align: center; padding-top: 10px;">PAGE</td> </tr> <tr> <td style="text-align: left; vertical-align: top;">8     EXHIBIT NO. 2         Zulily Purchase Order</td> <td style="text-align: right; vertical-align: top;">58</td> </tr> <tr> <td style="text-align: left; vertical-align: top;">9     EXHIBIT NO. 3         DHL Invoice</td> <td style="text-align: right; vertical-align: top;">58</td> </tr> <tr> <td style="text-align: left; vertical-align: top;">10    EXHIBIT NO. 10         RDC-Merchant Promotion Agreement</td> <td style="text-align: right; vertical-align: top;">61</td> </tr> <tr> <td style="text-align: left; vertical-align: top;">11    EXHIBIT NO. 11         Memo Closing Bank Account</td> <td style="text-align: right; vertical-align: top;">66</td> </tr> <tr> <td style="text-align: left; vertical-align: top;">12    EXHIBIT NO. 12         Notice of Disposition</td> <td style="text-align: right; vertical-align: top;">71</td> </tr> </tbody> </table>	1 <b>EXAMINATION INDEX</b>	PAGE	2     WITNESS: DANA TOMERLIN	4	3     EXAMINATION BY MR. FREEMAN		4     SIGNATURE REQUESTED	83	5     REPORTER'S CERTIFICATION	84	<b>EXHIBIT INDEX</b>		PAGE		8     EXHIBIT NO. 2 Zulily Purchase Order	58	9     EXHIBIT NO. 3 DHL Invoice	58	10    EXHIBIT NO. 10 RDC-Merchant Promotion Agreement	61	11    EXHIBIT NO. 11 Memo Closing Bank Account	66	12    EXHIBIT NO. 12 Notice of Disposition	71	<p style="text-align: right;">Page 5</p> <p>1       before?</p> <p>2       A. No.</p> <p>3       Q. Okay. Well, welcome. I'll give a few, just,  4       kind of, ground rules for you. It's not that  5       difficult.</p> <p>6       You'll be under oath today, which --  7       which means that you're -- you're swearing to tell the  8       truth, as you just did.</p> <p>9       Do you understand that?</p> <p>10      A. Yes.</p> <p>11      Q. All right.</p> <p>12      <b>THE VIDEOGRAPHER:</b> I'm sorry to  13       interrupt.</p> <p>14      Ms. Tomerlin, the spotlight that I put  15       on you is for the video recording, so -- so that  16       you're to be the only one on the video recording that we  17       turn in.</p> <p>18      <b>THE WITNESS:</b> Okay.</p> <p>19      <b>THE VIDEOGRAPHER:</b> And it kept  20       canceling, for some reason, so I just want to make  21       sure everyone knew.</p> <p>22      <b>THE WITNESS:</b> Oh.</p> <p>23      <b>THE VIDEOGRAPHER:</b> Sorry about that.</p> <p>24      <b>MR. FREEMAN:</b> No problem.</p> <p>25      Q. (BY MR. FREEMAN) Dana, whenever I ask a</p>
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2 (Pages 2 to 5)

<p style="text-align: center;">Page 6</p> <p>1 question, if you will, just let me complete it before 2 you give an answer so that we can make it easy on the 3 court reporter.</p> <p>4 A. Okay.</p> <p>5 Q. When you give me an answer, also -- this is 6 one that people tend to fall into -- don't give me 7 like a -- it's okay to nod, but also give a verbal 8 answer so that they can write it down.</p> <p>9 A. Understood.</p> <p>10 Q. If I ask a question that you don't 11 understand, just tell me. Tell me it's a bad 12 question, ask me to rephrase it, but just please let 13 me know.</p> <p>14 A. Okay.</p> <p>15 Q. And then, we'll just say, if it -- if it's 16 fair, that if you don't tell me you don't understand 17 the -- the question, I'll -- I assume that you -- you 18 understood it.</p> <p>19 And then, at any point, if you need to 20 take a break -- you need to use the restroom, grab a 21 drink, whatever you need -- just -- just say so, and 22 we'll take a break. I'll -- I'll probably only ask, 23 if there's -- if there's a question that I've already 24 left on the table, just ask that you answer that, and 25 then we'll take a break any time you need.</p>	<p style="text-align: center;">Page 8</p> <p>1 areas?</p> <p>2 A. Not -- not that I remember, no.</p> <p>3 Q. Okay. Are you currently an employee of 4 Windspeed Trading?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And what's your position?</p> <p>7 A. I work in fulfillment.</p> <p>8 Q. Okay. And what does that mean?</p> <p>9 A. I print the orders, pack the orders and ship 10 them out.</p> <p>11 Q. Okay. So that's orders from customer 12 customers?</p> <p>13 A. They come into our ShipStation. I print the 14 orders and pack them out, yes, to the customers.</p> <p>15 Q. Okay. How long have you been in that 16 position?</p> <p>17 A. I've been doing that for Windspeed this whole 18 time.</p> <p>19 Q. Okay. What are your -- what -- what are your 20 other responsibilities in that position?</p> <p>21 A. I -- I print the orders that come in.</p> <p>22 The orders arrive. I print them, I pack 23 them and I ship them out. I give them to the carrier 24 that comes by to pick them up.</p> <p>25 Q. Okay.</p>
<p style="text-align: center;">Page 7</p> <p>1 A. Okay.</p> <p>2 Q. Do you have a preference on how I refer to 3 you? As Ms. Tomerlin, Dana, or any other name?</p> <p>4 A. Just -- no, I'm fine.</p> <p>5 Q. Okay. All right.</p> <p>6 Ms. Tomerlin, did you do anything to 7 prepare for the deposition today?</p> <p>8 A. We had a meeting yesterday, with coworkers 9 and the attorney, about what takes place in a 10 deposition.</p> <p>11 Q. Okay. Did you discuss it with anyone else?</p> <p>12 A. The -- the coworkers were at the meeting.</p> <p>13 Q. Okay.</p> <p>14 A. The attorney. And Bill, our boss, was at the 15 meeting.</p> <p>16 They went over the deposition today.</p> <p>17 Q. Okay. And is that all -- is that the only 18 universe of people you met with to prepare for the 19 deposition?</p> <p>20 A. Bill told me about the deposition. He said 21 there would be a deposition and gave me the 22 information from the attorney and just said that they 23 were going to ask some questions, and just to give 24 them what I know.</p> <p>25 Q. Okay. Did Bill talk about any specific</p>	<p style="text-align: center;">Page 9</p> <p>1 A. And I assist with some customer service 2 e-mails.</p> <p>3 Q. Okay. Do you -- do you order inventory?</p> <p>4 A. No.</p> <p>5 Q. Okay. Who do you report to for this 6 position?</p> <p>7 A. Bill. Bill Szeto.</p> <p>8 Q. Bill Szeto?</p> <p>9 A. Yes.</p> <p>10 Q. Is there anyone else?</p> <p>11 A. No.</p> <p>12 Q. And who signs your paycheck?</p> <p>13 A. I don't know, really. Bill Szeto, Windspeed. 14 I'm not...</p> <p>15 Q. Okay.</p> <p>16 A. I haven't looked at the signature. 17 I mean, it says "Windspeed Trading" --</p> <p>18 Q. Okay.</p> <p>19 A. -- on my check.</p> <p>20 Q. Who is the -- who owns Windspeed Trading?</p> <p>21 A. Bill Szeto.</p> <p>22 Q. Okay. Do -- do you know how long Bill Szeto 23 has been the owner of Windspeed?</p> <p>24 A. I believe, since it was created.</p> <p>25 Q. Do you know if there are any other owners of</p>

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<p>1 Windspeed?</p> <p>2 A. I don't know of any.</p> <p>3 Q. Okay. Have you had any other positions with</p> <p>4 Windspeed?</p> <p>5 A. No.</p> <p>6 Q. Since you've been there, who else has worked</p> <p>7 at Windspeed?</p> <p>8 A. Let's see. Sai, our sales manager. Jane</p> <p>9 Lin, our accounting department or accounting. Paula</p> <p>10 Ketter [phonetic], she also works in fulfillment.</p> <p>11 Q. Okay.</p> <p>12 A. That's who is there now.</p> <p>13 We had a former employee, Vanessa. I</p> <p>14 can't remember her last name. She worked in customer</p> <p>15 service.</p> <p>16 Q. Okay. Anybody else?</p> <p>17 A. No.</p> <p>18 Q. I'm going to ask you about several entities</p> <p>19 and whether you've held any positions with these</p> <p>20 entities.</p> <p>21 Have you ever worked for ACET Venture</p> <p>22 Partners?</p> <p>23 A. I worked for Koolulu; which, I think that was</p> <p>24 ACET Venture. I'm not completely clear on that.</p> <p>25 Q. Okay.</p>	<p>1 Q. What -- when was that?</p> <p>2 A. I believe it was the end of September of</p> <p>3 2018.</p> <p>4 Q. Okay. What was your position at ACET Global?</p> <p>5 A. I worked for the fulfillment. I printed</p> <p>6 orders, I packed them and I shipped them out.</p> <p>7 Q. Okay. Did you have any other</p> <p>8 responsibilities?</p> <p>9 A. No.</p> <p>10 Q. Did you hold any other positions while at</p> <p>11 ACET Global?</p> <p>12 A. No.</p> <p>13 Q. So if I'm hearing you correctly, it was</p> <p>14 essentially the same exact position?</p> <p>15 MR. PERRIN: Objection; form.</p> <p>16 Q. (BY MR. FREEMAN) Was it a different position</p> <p>17 than the one you hold at Windspeed?</p> <p>18 A. No.</p> <p>19 Q. Was it the same position as the one you hold</p> <p>20 at Windspeed?</p> <p>21 MR. PERRIN: Objection; form.</p> <p>22 A. Yes. I do the same things. I print the</p> <p>23 orders, I pack them and I ship them out.</p> <p>24 Q. (BY MR. FREEMAN) Okay. Who did you report to</p> <p>25 in that position at -- at ACET Global?</p>
<p style="text-align: center;">Page 11</p> <p>1 A. Yes, I worked for Koolulu. I packed.</p> <p>2 Q. Okay. Let me ask you about a few more, and</p> <p>3 I'll come back to that.</p> <p>4 D&amp;T Partners, LLC?</p> <p>5 A. I don't know that name.</p> <p>6 Q. Baymark ACET Holdco, LLC?</p> <p>7 A. I don't -- I don't know.</p> <p>8 Q. Baymark ACET Direct Invest?</p> <p>9 A. I don't know.</p> <p>10 Q. Baymark Management, LLC?</p> <p>11 A. I don't know.</p> <p>12 Q. A couple more.</p> <p>13 Baymark Partners?</p> <p>14 A. I don't know that one.</p> <p>15 Q. ACET Global, LLC?</p> <p>16 A. Yes.</p> <p>17 Q. So are you currently an employee of Acet</p> <p>18 Global, LLC?</p> <p>19 A. No.</p> <p>20 Q. Okay. When did you start working for ACET</p> <p>21 Global?</p> <p>22 A. I don't remember. I think it was 2017.</p> <p>23 Q. Okay. Do you remember when you stopped</p> <p>24 working for ACET Global?</p> <p>25 A. Yes.</p>	<p style="text-align: center;">Page 13</p> <p>1 A. At first I reported to someone named Amanda,</p> <p>2 and then I reported to Tomer Damti.</p> <p>3 Q. Okay. Who is Amanda?</p> <p>4 A. She was a person that was doing fulfillment</p> <p>5 before.</p> <p>6 Before, I packed orders; and then Amanda</p> <p>7 left, and then I started printing orders.</p> <p>8 Q. Okay. Do you remember when that was?</p> <p>9 A. No, I don't.</p> <p>10 Q. Okay. And then you reported to Tomer Damti?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Did that ever change?</p> <p>13 A. During ACET Global? I'm sorry, I don't</p> <p>14 understand the question.</p> <p>15 Q. Yes, ma'am.</p> <p>16 While you were at ACET Global, did you</p> <p>17 ever report to anyone else?</p> <p>18 A. After Tomer, I reported to Bill Szeto.</p> <p>19 Q. Okay. And do you recall when that changed to</p> <p>20 Bill Szeto?</p> <p>21 A. I think, February. February, March.</p> <p>22 February of 2018.</p> <p>23 Q. Okay. Was -- was Bill Szeto -- was he the</p> <p>24 boss at ACET Global at that point?</p> <p>25 A. I don't understand the question.</p>

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<p>1 Q. What was -- what was Bill Szeto's title or 2 role at ACET Global?</p> <p>3 A. I believe he was the CEO.</p> <p>4 Q. Okay. Did he -- did he hold himself out as 5 the CEO, or do you know?</p> <p>6 A. What -- what does that mean? I don't 7 understand what you're asking.</p> <p>8 Q. Did he refer to himself as the CEO? Did 9 other people refer to him as a CEO?</p> <p>10 A. Yes, I believe so.</p> <p>11 Q. Okay. Who had hired you at ACET Global 12 partners?</p> <p>13 A. I had an interview --</p> <p>14 MS. HARD-WILSON: Objection; form.</p> <p>15 Q. (BY MR. FREEMAN) You can answer the question.</p> <p>16 A. Oh.</p> <p>17 I -- I had an interview with Monica, and 18 she had me report to work.</p> <p>19 Q. Okay. With ACET Global, what happened to 20 ACET Global?</p> <p>21 MR. PERRIN: Objection; form.</p> <p>22 MS. HARD-WILSON: Objection; form.</p> <p>23 A. I don't -- I don't know what you're asking.</p> <p>24 Q. (BY MR. FREEMAN) Is it still around?</p> <p>25 A. I'm not sure. I don't know.</p>	<p>1 Q. Did you -- did you like him, not like him?</p> <p>2 A. He was fine. I had no problems with him.</p> <p>3 Q. Okay.</p> <p>4 A. I just worked.</p> <p>5 Q. Let me ask you about Mr. Szeto. Who is -- who is Mr. Szeto?</p> <p>6 A. It's who I -- it's -- I work for him now.</p> <p>7 Q. Okay. When did you first meet Mr. Szeto?</p> <p>8 A. While I -- while I was at ACET Global.</p> <p>9 Q. Okay. Was that 2017? 2018?</p> <p>10 A. I don't know. I don't remember.</p> <p>11 Q. Okay. What was his role, again, at -- at ACET Global?</p> <p>12 A. He -- I think he was the CEO of ACET Global.</p> <p>13 Q. Okay. And you reported to him once he took that position?</p> <p>14 A. Yes.</p> <p>15 Q. How would you describe him as a boss?</p> <p>16 A. He's fine. I work for him. I have no problems with him.</p> <p>17 Q. Okay. What about Matt Denegre? Do you know Matt Denegre?</p> <p>18 A. I believe I've met him before.</p> <p>19 Q. Do you know when you first met him?</p> <p>20 A. No, I don't.</p>
<p style="text-align: center;">Page 15</p> <p>1 I know I received a termination letter 2 from ACET Global.</p> <p>3 Q. Okay. That's what I'm wondering; what -- 4 what happened, as far as you know, to ACET Global.</p> <p>5 MS. HARD-WILSON: Objection; form.</p> <p>6 A. I don't have that information. I'm not -- I 7 don't know what happened.</p> <p>8 Q. (BY MR. FREEMAN) Okay. Come back to that. 9 I'm -- I'm going to ask you about a few people, just 10 would like to know what you know about them.</p> <p>11 Tomer Damti. Who -- who is Tomer Damti?</p> <p>12 A. I worked for him.</p> <p>13 Q. Okay.</p> <p>14 A. At ACET Global and Koolulu.</p> <p>15 Q. Okay. When -- when did you first meet 16 Mr. Damti?</p> <p>17 A. I think it was, I mean, 2014, at Koolulu.</p> <p>18 Q. Okay. So he was your boss at Koolulu?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Was it Mr. Damti that made the 21 decision to hire you?</p> <p>22 A. I am not sure. I don't know.</p> <p>23 Q. Okay. What was your impression of Mr. Damti?</p> <p>24 A. I had no problems with Mr. Damti. I just 25 worked for him.</p>	<p style="text-align: center;">Page 17</p> <p>1 Q. Under what circumstances do you recall 2 meeting him or interacting with him?</p> <p>3 A. Just saw him, like, in a hallway and said 4 hello and was introduced to who he was, but that was 5 it.</p> <p>6 Q. Was he with ACET Global?</p> <p>7 A. I don't know.</p> <p>8 Q. Okay. Don't know what his role really was?</p> <p>9 A. I don't know.</p> <p>10 Q. Did you ever report to him?</p> <p>11 A. No.</p> <p>12 Q. Did you ever have any discussions with him 13 about ACET Global?</p> <p>14 A. No.</p> <p>15 Q. Did he ever attend any company meetings?</p> <p>16 A. Not that I can remember.</p> <p>17 Q. Do you know David Hook?</p> <p>18 A. No.</p> <p>19 Q. Do you know who David Hook is?</p> <p>20 A. No, I don't know.</p> <p>21 Q. Okay. Do you know Tony, or Anthony, Ludlow?</p> <p>22 A. No, I don't know who they are.</p> <p>23 Q. Don't know who he is?</p> <p>24 A. No.</p> <p>25 Q. Are you familiar with any of these companies?</p>

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<p>1                    Baymark ACET Holdco, LLC?</p> <p>2        A. No, I'm not -- I'm not familiar.</p> <p>3        Q. Are you familiar with any entities with the</p> <p>4        name Baymark in it?</p> <p>5        A. I've heard the name Baymark, yes.</p> <p>6        Q. Okay.</p> <p>7        A. But I don't know those names.</p> <p>8        Q. Let me -- let me ask you a few more specific</p> <p>9        ones just to see if you're familiar.</p> <p>10      Baymark ACET Direct Invest?</p> <p>11      A. No.</p> <p>12      Q. Baymark Partners, LP?</p> <p>13      A. No, I don't know.</p> <p>14      Q. Baymark Management, LLC?</p> <p>15      A. I don't know.</p> <p>16      Q. Or Baymark Partners Management, LLC?</p> <p>17      A. I don't know. I've only heard the name</p> <p>18      Baymark throughout the time. That's the only thing</p> <p>19      I've ever heard, but I don't know anything about them.</p> <p>20      Q. Do you know what context you've heard it in?</p> <p>21      A. I just heard the -- I think it's when ACET --</p> <p>22      when a company was being bought and made into ACET</p> <p>23      Global.</p> <p>24      Q. Okay. Let me ask you --</p> <p>25      (Speaking simultaneously.)</p>	<p>1                    to ACET Global. I think what you refer to as Koolulu</p> <p>2        is ACET Partners -- ACET Venture Partners' operation.</p> <p>3                    Just to make sure we're talking the same</p> <p>4        language, when were you working for what you refer to</p> <p>5        as Koolulu?</p> <p>6                    MR. PERRIN: Objection; form.</p> <p>7        A. 2014.</p> <p>8        Q. (BY MR. FREEMAN) Until when?</p> <p>9        A. Until I was -- my paychecks changed to ACET</p> <p>10      Global in 2017, I think.</p> <p>11      Q. Okay.</p> <p>12      A. I'm not sure of the date exactly. I don't</p> <p>13      remember, to be honest.</p> <p>14      Q. No, that -- that's fair. That -- that's</p> <p>15      close enough.</p> <p>16                    What -- what type of business did</p> <p>17      Koolulu have?</p> <p>18      A. I packed orders and shipped them out.</p> <p>19      Q. Okay. Do you know, in bigger picture, what</p> <p>20      kind of business it had or what it did generally?</p> <p>21      A. Sold inventory that we had in the -- in there</p> <p>22      to pack, and -- and move it and ship it out to</p> <p>23      customers.</p> <p>24      Q. What kind of inventory?</p> <p>25      A. I don't remember exactly what inventory was</p>
Page 19	Page 21
<p>1        A. -- that name.</p> <p>2                    But that's all I heard, was the Baymark</p> <p>3        name, kind of; but I don't know much about that.</p> <p>4                    I don't know anything of that. That's</p> <p>5        just --</p> <p>6        Q. (BY MR. FREEMAN) Okay.</p> <p>7        A. -- hearsay, basically.</p> <p>8        Q. Got it.</p> <p>9                    Let me know if you're familiar with any</p> <p>10      of these following entities or -- or people.</p> <p>11      Super G Capital?</p> <p>12      A. I've heard of it. I don't know anything</p> <p>13      about it.</p> <p>14      Q. Do you know if -- if ACET Global had a</p> <p>15      relationship with Super G Capital of any kind?</p> <p>16      A. I don't know.</p> <p>17      Q. Do you know if Windspeed did or does?</p> <p>18      A. I don't know.</p> <p>19      Q. Okay. You know a gentleman named Marc Cole,</p> <p>20      or have you heard that name?</p> <p>21      A. No.</p> <p>22      Q. Steven Bellah?</p> <p>23      A. No. I don't remember that one.</p> <p>24      Q. Okay. So I want to talk a little bit about</p> <p>25      the transition from ACET Ventures [verbatim] Partners</p>	<p>1                    there at that time.</p> <p>2        Q. Okay. It have a logo?</p> <p>3        A. I don't remember.</p> <p>4        Q. Or have a Web site?</p> <p>5        A. I don't remember.</p> <p>6        Q. And you don't have any idea what kind of</p> <p>7        inventory generally it -- it was that you were dealing</p> <p>8        with, that you were packing up and sorting and sending</p> <p>9        out?</p> <p>10      A. Kitchen items, household goods, electronic --</p> <p>11      like small electronics; variety of thing -- items like</p> <p>12      that, smaller items.</p> <p>13      Q. Well, when that transitioned into ACET</p> <p>14      Global -- let's call it 2017, at some point -- was it</p> <p>15      a complete change of the business?</p> <p>16      A. No, not that I remember.</p> <p>17      Q. Were you packing and shipping different kinds</p> <p>18      of inventory or was it essentially the same kind?</p> <p>19      A. It's the same kind of inventory; household,</p> <p>20      kitchen.</p> <p>21      Q. Okay. Was anything ever communicated to you</p> <p>22      about the transition to ACET Global?</p> <p>23      A. We were told it was -- we would be working</p> <p>24      for ACET Global.</p> <p>25      Q. Okay. Who told you that?</p>

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<p>1 A. I don't remember. 2 Q. Okay. Did you have any meetings about that? 3 A. I don't remember. 4 Q. Okay. Can you just describe what that 5 transition was like, how things changed? 6 A. I don't -- I don't remember anything standing 7 out to me. 8 Q. So does that mean no major changes, just 9 change in name? 10 A. I don't -- no, there was no major changes 11 that I remember. 12 Q. Okay. Were there new employees? 13 A. Not that I remember. I don't really 14 remember. 15 Q. Okay. Do you remember if Tomer Damti's role 16 changed at all? 17 A. No, I don't remember that. 18 Q. Do you remember if there were any changes to 19 his authority or power in the company? 20 A. No, I don't know. 21 Q. Do you know if he reported to anyone? 22 A. I don't know. 23 Q. How did ACET Global -- how did it perform? 24 Was it doing well? Was it doing bad? Any idea? 25 A. I don't know that information, no.</p>	<p>1 A. We had meetings. I just don't remember what 2 was discussed in all those meetings. 3 Q. So Mr. Damti was the -- for a while was the 4 CEO of ACET Global; is that correct? 5 A. I believe so, yes. 6 Q. Did his role as CEO at ACET Global end at 7 some point? 8 A. I don't know that. 9 Q. Okay. Do you recall if he was fired or 10 terminated in February of 2018? 11 A. Who -- who? I mean, I'm sorry, I -- I don't 12 understand the question. 13 Q. Tomer Damti. 14 A. Yes. What about -- what was the question 15 again? 16 Q. Was he ever fired, terminated, removed as CEO 17 of ACET Global? 18 A. We had a meeting; and in the meeting, we were 19 informed that -- that Tomer was no longer there and 20 that Bill Szeto would be responsible for the company. 21 Q. Who said that in the meeting? 22 A. I can't -- I'm trying to remember. 23 Q. Okay. 24 A. Maybe Matt. That -- that's who I think, 25 maybe.</p>
<p style="text-align: center;">Page 23</p> <p>1 Q. Let me ask, did -- at any point while you're 2 working at ACET Global, did -- did its management 3 ever -- ever express concern about ACET Global's 4 economic performance? 5 A. I don't remember. 6 Q. Do you remember if Mr. Szeto ever raised any 7 concern about ACET Global's economic performance? 8 A. I don't remember. 9 Q. Do you remember anyone else raising concern 10 about ACET Global's economic performance? 11 MR. PERRIN: Objection; form. 12 A. I don't remember. I can't recall. 13 Q. (BY MR. FREEMAN) Okay. Did anyone else ever 14 indicate that the business was failing? 15 A. Not that I recall. I just -- I -- I don't 16 remember of -- of that. 17 Q. Don't remember anybody saying the business 18 was failing? 19 A. No, I don't remember that. 20 Q. Do you remember anyone ever indicating that 21 the business was not profitable? 22 A. No. I -- I can't... 23 Q. Do you remember if there were ever -- there 24 were any meetings to discuss the future of the 25 business?</p>	<p style="text-align: center;">Page 25</p> <p>1 Q. Matt Denegre? 2 A. Possibly. I really couldn't tell you for 3 sure. Possibly. 4 Q. Any idea why Matt would have been the one 5 conveying that message? 6 A. No. 7 MS. HARD-WILSON: Objection; form. 8 Q. (BY MR. FREEMAN) Okay. 9 A. I don't know. 10 Q. Okay. Who all, that you recall, may have 11 been present in that meeting? 12 A. Possibly Sai, Paula, Shira, Monica, I 13 believe. 14 Q. Okay. Did y'all have any -- did you have 15 discussion with any of them about it? 16 A. I don't really remember if -- what was 17 discussed. 18 Q. Okay. 19 A. Things may have been discussed. I don't 20 remember that. 21 Q. Okay. Whoever it was that told you, did they 22 say that Mr. Szeto was going to be the CEO going 23 forward? 24 A. I don't remember exactly what they said. 25 Q. But that they told you that Mr. Szeto was</p>

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<p>1 going to be in charge?</p> <p>2 A. I would be -- yes. I would be reporting to</p> <p>3 him, yes.</p> <p>4 Q. Okay. Did they say anything about why Tomer</p> <p>5 Damti was fired?</p> <p>6 A. Not that I remember.</p> <p>7 Q. Did they say anything about it having to do</p> <p>8 with the company performing poorly?</p> <p>9 MS. HARD-WILSON: Objection; form.</p> <p>10 A. Not that I remember.</p> <p>11 Q. (BY MR. FREEMAN) Do you remember if the</p> <p>12 company was performing poorly at that time?</p> <p>13 A. I don't -- I wasn't involved in the</p> <p>14 financial --</p> <p>15 Q. Okay.</p> <p>16 A. -- business.</p> <p>17 Q. Were there any major changes after Mr. Damti</p> <p>18 was -- was let go?</p> <p>19 A. I don't know what you're asking.</p> <p>20 Q. I mean were there -- were there any changes</p> <p>21 to the employees.</p> <p>22 Were there any employee changes?</p> <p>23 A. Not that I remember.</p> <p>24 Q. Any changes to the types of business that</p> <p>25 were engaged in?</p>	<p>1 A. I didn't immediately start looking for a job.</p> <p>2 Q. Okay. Did you get another job after that?</p> <p>3 A. Yes. Bill approached me about working for</p> <p>4 another company.</p> <p>5 Q. Okay. What -- what other company was that?</p> <p>6 A. Windspeed.</p> <p>7 Q. Okay.</p> <p>8 A. Trading.</p> <p>9 Q. When did -- when did he approach you about</p> <p>10 that?</p> <p>11 A. I'm not sure. I don't -- I don't remember.</p> <p>12 Q. When did you start working at Windspeed?</p> <p>13 A. Right around October, near the same time.</p> <p>14 Q. Near the same time as you were terminated</p> <p>15 from --</p> <p>16 A. Close to that, yes.</p> <p>17 Q. Shortly?</p> <p>18 A. Shortly after.</p> <p>19 Q. Did he possibly ask you to work at Windspeed</p> <p>20 at the -- the same day that he gave you the</p> <p>21 termination notice?</p> <p>22 A. I -- I really can't recall the exact timing.</p> <p>23 Q. But you weren't worried, weren't concerned?</p> <p>24 Or you were?</p> <p>25 MR. PERRIN: Yeah.</p>
<p>1 A. I mean, I still continued to print, pack and</p> <p>2 ship the orders.</p> <p>3 Q. Let me kind of shift topics here. I -- I</p> <p>4 want to talk about next the -- the shift from ACET</p> <p>5 Global to Windspeed Trading, LLC.</p> <p>6 A. Okay.</p> <p>7 Q. So you worked at ACET Global with essentially</p> <p>8 the same position you -- you currently have.</p> <p>9 When did you stop working at ACET</p> <p>10 Global?</p> <p>11 A. I received a termination letter at the end of</p> <p>12 September 2018.</p> <p>13 Q. Okay. Were you concerned receiving that?</p> <p>14 A. I don't -- I don't really don't remember what</p> <p>15 I was at the time.</p> <p>16 Q. Okay. You don't remember if you were</p> <p>17 concerned about losing your job?</p> <p>18 A. Yes, I was -- I was concerned.</p> <p>19 Q. Okay. Did you start looking for another job?</p> <p>20 A. No.</p> <p>21 Q. And why not?</p> <p>22 A. I just didn't have a chance to look for</p> <p>23 another job.</p> <p>24 Q. And why did you not have a chance to after</p> <p>25 receiving the termination letter?</p>	<p>1 A. Yeah, I think I was concerned, if I remember</p> <p>2 correctly. Yes.</p> <p>3 Q. (BY MR. FREEMAN) Okay. So you started</p> <p>4 working at Windspeed beginning of October 2018; is</p> <p>5 that correct?</p> <p>6 A. I believe so, yes.</p> <p>7 Q. Okay. Who else started working at Windspeed</p> <p>8 at that time?</p> <p>9 A. Sai -- I can't say her last name, Paula</p> <p>10 Ketter, Jane Lin and, I believe, Vanessa. I don't</p> <p>11 remember her last name.</p> <p>12 Q. Okay. So Sai, Paula, Jane, Vanessa and you</p> <p>13 began working at Windspeed in October of 2018?</p> <p>14 A. Yes, I believe so.</p> <p>15 Q. Was Sai working at ACET Global in September</p> <p>16 of 2018?</p> <p>17 A. Yes.</p> <p>18 Q. Was Paula working at ACET Global in September</p> <p>19 of 2018?</p> <p>20 A. Yes.</p> <p>21 Q. Was Jane working at ACET Global in September</p> <p>22 of 2018?</p> <p>23 A. Yes.</p> <p>24 Q. Was Vanessa working at ACET Global in</p> <p>25 September of 2018?</p>

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<p>1 A. Yes.</p> <p>2 Q. Were you working at ACET Global in September</p> <p>3 of 2018?</p> <p>4 A. Yes.</p> <p>5 Q. Was Mr. Szeto working at ACET Global in</p> <p>6 September of 2018?</p> <p>7 A. Yes. I was reporting to him.</p> <p>8 Q. Was there anyone else working at ACET Global</p> <p>9 in September of 2018?</p> <p>10 A. Not that I remember.</p> <p>11 Q. So everyone that worked at ACET Global in</p> <p>12 September of 2018 began working at Windspeed in</p> <p>13 October of 2018?</p> <p>14 A. To my recall, yes.</p> <p>15 Q. Okay. And Mr. Szeto was the boss at ACET</p> <p>16 Global.</p> <p>17 Whatever his title was, was the boss at</p> <p>18 ACET Global; is that correct?</p> <p>19 A. I reported to him, yes.</p> <p>20 Q. Okay. Who started Windspeed?</p> <p>21 A. I believe, Bill Szeto.</p> <p>22 Q. Okay. So did Mr. Szeto start Windspeed while</p> <p>23 he was working at ACET Global?</p> <p>24 MS. HARD-WILSON: Objection; form.</p> <p>25 A. I don't know that.</p>	<p>1 Q. So Windspeed never operated from that old</p> <p>2 address?</p> <p>3 A. No.</p> <p>4 Q. Okay. Did you get a new e-mail address?</p> <p>5 A. Yes.</p> <p>6 Q. Did it -- you use -- from that point forward,</p> <p>7 did you use the ACET e-mail address?</p> <p>8 A. I don't remember.</p> <p>9 Q. Okay. Do you remember if there was ever a</p> <p>10 point you were working for both ACET Global and</p> <p>11 Windspeed at the same time?</p> <p>12 A. No.</p> <p>13 Q. Do you know if Windspeed ever paid for work</p> <p>14 that you did while you were working at ACET Global?</p> <p>15 A. No, not that I'm aware of.</p> <p>16 Q. Can you just describe to me -- describe to me</p> <p>17 how this -- from your vantage point, your -- your</p> <p>18 view, how did this transition from ACET Global to</p> <p>19 Windspeed occur? What happened?</p> <p>20 MS. HARD-WILSON: Objection; form.</p> <p>21 MR. PERRIN: Jason, just for the record,</p> <p>22 can we have the agreement again one -- one objection</p> <p>23 suffices for all defendants?</p> <p>24 MR. FREEMAN: We can.</p> <p>25 Ms. Tomerlin, just one second.</p>
<p style="text-align: center;">Page 31</p> <p>1 Q. (BY MR. FREEMAN) Okay. What was your role</p> <p>2 when working for Windspeed? Was it the same role you</p> <p>3 had?</p> <p>4 A. I printed orders, yes, and packed and shipped</p> <p>5 out inventory -- or, shipped out to customers.</p> <p>6 Q. Okay. Did you get a -- a formal offer of</p> <p>7 employment?</p> <p>8 A. Yes, I believe so.</p> <p>9 Q. Was there an employment contract of any sort?</p> <p>10 A. I don't believe so. I don't remember that.</p> <p>11 Q. Okay. Do you recall if there was any kind of</p> <p>12 onboarding, formal onboarding process?</p> <p>13 A. I don't understand what you're asking.</p> <p>14 Q. Did you go through any kind of HR process or</p> <p>15 anything, or did things just switch over to a new</p> <p>16 company name?</p> <p>17 MR. PERRIN: Objection; form.</p> <p>18 A. I -- I don't remember anything.</p> <p>19 Q. (BY MR. FREEMAN) Okay.</p> <p>20 A. HR process.</p> <p>21 Q. When this -- when this all happened, were</p> <p>22 y'all working at the same location or did y'all</p> <p>23 immediately move to a new location?</p> <p>24 A. We were not at the -- the -- there was an old</p> <p>25 warehouse but, no, Windspeed was at another location.</p>	<p style="text-align: center;">Page 33</p> <p>1 THE WITNESS: Mm-hm.</p> <p>2 MR. FREEMAN: Just for the record, I'm</p> <p>3 going to reflect that the parties have an agreement</p> <p>4 amongst themselves that one defendant's objection to</p> <p>5 any question or answer in the deposition will be --</p> <p>6 will preserve that objection for the other defendants</p> <p>7 as well.</p> <p>8 MR. PERRIN: And let's just, if we can</p> <p>9 agree, we'll do that in all depositions.</p> <p>10 MR. FREEMAN: Agreed.</p> <p>11 MR. PERRIN: All right. Thank you.</p> <p>12 MS. HARD-WILSON: Agreed.</p> <p>13 Q. (BY MR. FREEMAN) Sorry, Ms. Tomerlin. I was</p> <p>14 asking if you could describe how the transition --</p> <p>15 what took place; what did you see in terms of how this</p> <p>16 transition took place.</p> <p>17 MS. HARD-WILSON: Objection; form.</p> <p>18 A. I printed orders that came into our</p> <p>19 software -- ShipStation, on our software -- and I</p> <p>20 packed them and I shipped them out.</p> <p>21 Q. (BY MR. FREEMAN) Was -- did the software</p> <p>22 change? Was it new software?</p> <p>23 A. Not that I remember.</p> <p>24 Q. Did you have to go in and input new customers</p> <p>25 into the software or was it all still there?</p>

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<p>1 A. I am not understanding your question. 2 Q. Well, let me ask. 3 Did -- when it changed, were you -- did 4 you still use the same computer to run that software? 5 A. Yes. 6 Q. Was it the still exact software or was it a 7 new software? 8 A. I believe it was the same. 9 Q. Did it still have all of the preexisting 10 information in it that was there in September of 2018? 11 A. Like, what are you -- I'm sorry, I am not 12 understanding the question exactly. 13 Q. Well, so I'm trying to visualize what it is 14 you do in inputting in there but I'm assuming it 15 auto-populates or populates with certain customers or 16 certain delivery vendors. 17 Is -- is that basically right? 18 A. Right. We receive orders through the 19 marketplaces, and then I print those orders out 20 that -- that -- and so, there's new customer orders 21 every day, so there's no saved customer information. 22 So I printed new orders, and packed 23 those and shipped them out. 24 Q. Okay. So I'm -- you know, another example 25 here would be, did you -- did -- did -- did the</p>	<p>1 remember -- 2 Q. Okay. 3 A. -- everything that was discussed in all of 4 those meetings. 5 Q. And when you -- when you say there were 6 meetings, are you saying that there were meetings 7 about that transition or just meetings about business 8 generally? 9 A. There were meetings about business in 10 general. I don't recall everything that was discussed 11 in those meetings. 12 Q. Okay. You recall if you had any 13 conversations with anyone about the transition from 14 ACET Global to Windspeed? 15 MR. PERRIN: Objection; form. 16 A. What -- what do you mean by that? I don't 17 understand. Conversations? 18 Q. (BY MR. FREEMAN) Yeah. Like talking like 19 we're doing here, with any employee, with Mr. Szeto 20 with anyone, about the transition from ACET Global to 21 Windspeed. 22 A. Not that I remember. 23 Q. Do you remember whether you had any of those? 24 A. No, I don't remember that. 25 Q. Okay. Do you remember whether there were any</p>
<p style="text-align: center;">Page 35</p> <p>1 company have a relationship with Zulily? 2 A. I believe that, yes, we -- we had. That was 3 one of the marketplaces I shipped with, yes; I would 4 receive orders for, yes. 5 Q. So, for example, that data that would have 6 been in your software system in -- in the September of 7 2018, that was still part of the system in October of 8 2018; is -- is that right? 9 A. It -- 10 MR. PERRIN: Objection; form. 11 A. We were still shipping. I was still shipping 12 out orders with the different marketplaces. 13 Q. (BY MR. FREEMAN) Using the same software, 14 right? 15 A. Yes. 16 Q. Okay. 17 A. To the best of my knowledge, yes. 18 Q. Okay. Were there ever any meetings about the 19 transition from ACET Global to -- to Windspeed that 20 you were a part of? 21 MR. PERRIN: Objection; form. 22 A. Not that I remember. There -- 23 Q. (BY MR. FREEMAN) Did you ever -- 24 A. There were meetings at ACET Global, and then 25 there was meetings at Windspeed Trading. I don't</p>	<p style="text-align: center;">Page 37</p> <p>1 e-mails regarding that transition? 2 A. No, I don't remember that. 3 Q. Do you remember whether there were any text 4 messages regarding that transition? 5 A. No, I don't remember that. 6 Q. Okay. So you didn't get any kind of e-mail 7 or -- or messaging that said, you know, "This is how 8 we're going to do things completely different in 9 Windspeed than how we did them in ACET Global"?</p> <p>10 A. I don't remember the e-mails. I don't 11 remember -- no, I don't remember that. 12 I don't -- I don't remember any of the 13 e-mails. If there were e-mails, I don't remember 14 that. 15 Q. Okay. 16 A. I can't recall that. 17 Q. How did Windspeed compare to ACET Global? 18 MS. HARD-WILSON: Objection; form. 19 A. It's another e-commerce company. I continue 20 to do the same. I print orders, I pack the orders and 21 ship them out. 22 Q. (BY MR. FREEMAN) As far as you could see, 23 were there any changes? 24 A. Not in my position. 25 Q. Did you see changes in any other position?</p>

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<p>1 A. No, not that I -- I don't know.</p> <p>2 Q. Did anyone ever talk to you about how things</p> <p>3 had thanked in their position?</p> <p>4 A. No, not that I remember.</p> <p>5 Q. Did the products noticeably change?</p> <p>6 MR. PERRIN: Objection; form.</p> <p>7 A. Not that I remember.</p> <p>8 Q. (BY MR. FREEMAN) Did the employees noticeably</p> <p>9 change?</p> <p>10 A. Not that I remember.</p> <p>11 Q. Did the Web site noticeably change?</p> <p>12 A. I don't know about the Web site. I never</p> <p>13 worked on the Web site.</p> <p>14 Q. Okay. And you didn't work on the logo,</p> <p>15 either, or know about the logo?</p> <p>16 A. No.</p> <p>17 Q. Okay. Do you remember the Koolulu logo or</p> <p>18 Web site?</p> <p>19 A. No. I don't remember.</p> <p>20 Q. Okay. Did anyone else get more involved in</p> <p>21 Windspeed -- you know, anyone new get involved in</p> <p>22 Windspeed that wasn't involved in ACET Global?</p> <p>23 A. Not that I know of.</p> <p>24 Q. Okay. And -- and do you know why the</p> <p>25 business changed?</p>	<p>1 same --</p> <p>2 Q. So --</p> <p>3 A. -- work.</p> <p>4 Q. My question is, was there any change besides</p> <p>5 the -- the name of the company you were working for?</p> <p>6 MR. PERRIN: Objection; form.</p> <p>7 A. Yes.</p> <p>8 Q. (BY MR. FREEMAN) And what were those?</p> <p>9 A. We were in a new location.</p> <p>10 Q. Okay.</p> <p>11 A. And I was working for Windspeed Trading now.</p> <p>12 Q. Right. And what other changes were there?</p> <p>13 A. I don't know.</p> <p>14 Q. Okay. Were there other changes or is that</p> <p>15 all you know of?</p> <p>16 A. I'm not -- I don't know that. I don't know</p> <p>17 what all changes.</p> <p>18 I know I printed and packed orders and</p> <p>19 shipped.</p> <p>20 Q. And as we sit here today, the only changes</p> <p>21 that you can identify are: it was a change in the</p> <p>22 company name, and there was another location?</p> <p>23 MR. PERRIN: Objection; form.</p> <p>24 A. I don't think it was a change in name.</p> <p>25 Q. (BY MR. FREEMAN) Can you explain what you</p>
<p style="text-align: center;">Page 39</p> <p>1 MS. HARD-WILSON: Objection; form.</p> <p>2 MR. PERRIN: Objection; form.</p> <p>3 A. I don't understand your question.</p> <p>4 Q. (BY MR. FREEMAN) Why the business changed</p> <p>5 from ACET Global to Windspeed.</p> <p>6 MR. PERRIN: Objection; form.</p> <p>7 A. I was terminated from ACET Global, so, I</p> <p>8 don't know -- and I -- I worked -- went to work for</p> <p>9 Windspeed. I don't know of any change or any --</p> <p>10 anything about that.</p> <p>11 Q. (BY MR. FREEMAN) You say that was the only</p> <p>12 change, was the change of the name?</p> <p>13 MR. PERRIN: Objection; form.</p> <p>14 A. No. I'm saying I don't know what happened</p> <p>15 with ACET Global.</p> <p>16 Q. (BY MR. FREEMAN) Okay. Can you tell me</p> <p>17 what -- what did change besides the name, if that</p> <p>18 wasn't the only -- you know, if that wasn't the only</p> <p>19 thing?</p> <p>20 MR. PERRIN: Objection; form.</p> <p>21 A. I went to work for Windspeed, so it's a new</p> <p>22 company.</p> <p>23 Q. (BY MR. FREEMAN) Right. What other change</p> <p>24 was there?</p> <p>25 A. What do you mean? I still continue to do the</p>	<p style="text-align: center;">Page 41</p> <p>1 mean by that?</p> <p>2 A. I no longer worked for ACET Global.</p> <p>3 Q. Okay. You went -- you now work for a company</p> <p>4 with a different name, correct?</p> <p>5 MR. PERRIN: Objection; form.</p> <p>6 A. I worked for Windspeed Trading.</p> <p>7 Q. (BY MR. FREEMAN) Right. And that -- to my</p> <p>8 question, you worked for a company with a different</p> <p>9 name; is that correct?</p> <p>10 MR. PERRIN: Objection; form.</p> <p>11 A. I worked for Windspeed Trading. That's all</p> <p>12 I -- I don't know --</p> <p>13 MR. FREEMAN: Objection; nonresponsive.</p> <p>14 Q. (BY MR. FREEMAN) So you worked for ACET</p> <p>15 Global first, correct?</p> <p>16 A. I worked for Koolulu first, is what you're</p> <p>17 referring to; and then I worked for ACET Global.</p> <p>18 Q. Okay.</p> <p>19 A. And now I work --</p> <p>20 Q. Then, did you begin to --</p> <p>21 A. -- for Windspeed Trading.</p> <p>22 Q. -- work for a company with a different name?</p> <p>23 A. I work for Windspeed Trading now.</p> <p>24 Q. So just -- I'm going to ask it one more time.</p> <p>25 I'm going to ask you to answer the question that I ask</p>

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<p>1       you.</p> <p>2       A. Okay.</p> <p>3       Q. All right?</p> <p>4           In September of 2018 you worked for what</p> <p>5           company?</p> <p>6       A. ACET Global. ACET Global.</p> <p>7       Q. Okay. In October of 2018, did you go to work</p> <p>8           for a company with a different name?</p> <p>9       A. I went to work, yes, for Windspeed Trading.</p> <p>10      Q. What other changes were there with respect to</p> <p>11           Windspeed Trading compared to ACET Global?</p> <p>12          MR. PERRIN: Objection; form.</p> <p>13          MS. HARD-WILSON: Objection; form.</p> <p>14       A. I still continued to work in fulfillment.</p> <p>15       Q. (BY MR. FREEMAN) No other changes?</p> <p>16       A. Not that I remember.</p> <p>17       Q. Did anyone inform you that it was -- that</p> <p>18           there was going to be a change prior to ACET Global</p> <p>19           shutting down?</p> <p>20          MR. PERRIN: Objection; form.</p> <p>21       A. Not that I remember. I don't remember.</p> <p>22       Q. (BY MR. FREEMAN) Okay. Was there a change in</p> <p>23           vendors whenever you began to work for Windspeed</p> <p>24           Trading?</p> <p>25       A. What do you mean by "vendors"?</p>	<p>1       A. I was -- the process began before. I believe</p> <p>2           it was in the storage warehouses -- storage units at</p> <p>3           that time.</p> <p>4       Q. Did you ask why it was being moved to storage</p> <p>5           units?</p> <p>6       A. No, Bill asked me to help see it being moved.</p> <p>7       Q. Did you do whatever Bill said?</p> <p>8       A. Yes.</p> <p>9           The movers came, and I helped oversee to</p> <p>10           that; for it to be moved into the storage units.</p> <p>11       Q. Okay. Where were those storage units?</p> <p>12       A. I don't remember exactly. Off of Coit Road.</p> <p>13       Q. Okay. Can you remember the name of the</p> <p>14           company?</p> <p>15       A. The name? No, I don't remember the name.</p> <p>16       Q. Do you remember what they looked like, what</p> <p>17           color?</p> <p>18       A. No.</p> <p>19       Q. No? Don't remember any of that?</p> <p>20       A. They were just long storage units.</p> <p>21       Q. Okay. How many storage units, about?</p> <p>22       A. There were two.</p> <p>23       Q. How big were the storage units?</p> <p>24       A. I'm not sure the size. They were large.</p> <p>25       Q. Okay.</p>
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<p>1       Q. Did you begin to use other companies, for</p> <p>2           example, to purchase inventory from or did you use any</p> <p>3           of the same companies?</p> <p>4       A. I don't know. I didn't purchase the</p> <p>5           inventory.</p> <p>6       Q. Okay. How did you distinguish between ACET</p> <p>7           Global's inventory and Windspeed's inventory?</p> <p>8       A. I don't know who owned what.</p> <p>9       Q. Was ACET Global's inventory moved over to the</p> <p>10           Windspeed warehouse?</p> <p>11       A. The inventory -- I'm not sure who owned what</p> <p>12           inventory, but the inventory from the other house</p> <p>13           was -- I mean, not other house -- the other warehouse</p> <p>14           was moved, yes.</p> <p>15       Q. Okay. Do you know when that was?</p> <p>16       A. September, I believe. October. Sometime the</p> <p>17           fall of 2018.</p> <p>18       Q. Okay. Would that have been -- if that was in</p> <p>19           September of 2018, was that before you were</p> <p>20           terminated?</p> <p>21       A. The -- it went from the warehouse to a</p> <p>22           storage unit, then from a storage unit to the</p> <p>23           Windspeed office location.</p> <p>24       Q. Okay. Did that process begin before you were</p> <p>25           terminated or after?</p>	<p>1       A. But I don't know the size.</p> <p>2       Q. So this was occurring in September of 2018;</p> <p>3           is -- is that correct?</p> <p>4          MR. PERRIN: Objection; form.</p> <p>5       A. I don't --</p> <p>6       Q. (BY MR. FREEMAN) Let's --</p> <p>7       A. -- remember --</p> <p>8       Q. Let's ask it --</p> <p>9       A. -- the date, but it was, yes, sometime in the</p> <p>10           fall of 2018.</p> <p>11       Q. (BY MR. FREEMAN) Let's ask it this way,</p> <p>12           Ms. Tomerlin.</p> <p>13           Did that occur while you were still</p> <p>14           working at ACET Global?</p> <p>15          MR. PERRIN: Objection; form.</p> <p>16       A. From the old warehouse to the storage unit,</p> <p>17           yes.</p> <p>18       Q. (BY MR. FREEMAN) Okay. And did anyone ever</p> <p>19           tell you why that was being done?</p> <p>20       A. Not that I remember, no.</p> <p>21       Q. Was it all of the inventory?</p> <p>22       A. I believe so, yes.</p> <p>23       Q. Okay. How long was that before you were</p> <p>24           terminated?</p> <p>25       A. I'm not exactly sure.</p>

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<p>1 Q. Okay. Was it a month before you were 2 terminated? 3 MS. HARD-WILSON: Objection; form. 4 A. I don't remember exactly. 5 Q. (BY MR. FREEMAN) Okay. Was it closer to a 6 month or a day? 7 MS. HARD-WILSON: Objection; form. 8 A. I do not remember exactly. Possibly more 9 than a day, yes, but I don't remember the time frame. 10 Q. (BY MR. FREEMAN) Did you know you were about 11 to be terminated at that time? 12 A. Not that I remember. 13 Q. Okay. Did anyone raise any concerns at that 14 time about the movement of the inventory? 15 A. Not -- not that I remember. 16 Q. Okay. 17 A. It was a while back, so it's hard to remember 18 a lot of this. 19 Q. Okay. 20 So what happened with the inventory 21 after that? 22 A. Then it was moved to the Windspeed location. 23 Q. How long was it in the storage units? 24 A. Maybe two months. 25 Q. Okay. Were you in charge of moving it back</p>	<p>1 inventory coming in as well. 2 Q. Okay. Was it ever -- was that inventory ever 3 segregated in any way? 4 A. No, not that I -- no. 5 Q. It was just mixed in with everything else? 6 MR. PERRIN: Objection; form. 7 A. Yes. 8 Q. (BY MR. FREEMAN) Okay. I'm sorry. Was -- 9 was that inventory mixed in with all the other 10 inventory? 11 A. Yes. The inventory wasn't separated. 12 Q. Okay. Was it possible to distinguish that 13 inventory from the other inventory? 14 A. No. 15 Q. Okay. Did anyone ever come and take that 16 inventory from Windspeed? 17 A. Not that I'm aware of. 18 Q. Or, like, did anyone ever come and separate 19 it off and say, "You can't sell this inventory"? 20 A. I'm not responsible for selling. 21 Q. Okay. 22 A. But, no, no one said anything about shipping 23 the inventory. 24 Q. Okay. Did Mr. Szeto know that that was -- 25 that inventory was being held this way?</p>
<p style="text-align: center;">Page 47</p> <p>1 to the -- or, to the new office? 2 A. Bill Szeto oversaw it, but I did -- I was 3 here, yes. 4 Q. Okay. What did you do and what did you see? 5 A. I just saw the movers moving everything in, 6 then I locked the door and left. 7 Q. Okay. And when was that? 8 A. Possibly -- maybe November 2018. 9 Q. November of 2018? 10 A. Possibly, yes. 11 Q. Okay. Did all the inventory look like it was 12 still there? 13 A. Yes. 14 Q. What happened to that inventory after that? 15 A. The inventory was here. We -- I continued to 16 print orders and pack and ship from the inventory I 17 had on hand. 18 Q. Did that include that inventory? 19 A. Yes. 20 Q. Okay. Did you sell all of that inventory 21 or -- 22 A. I -- 23 Q. -- is it still around? 24 A. -- don't know. 25 I don't remember. We receive new</p>	<p style="text-align: center;">Page 49</p> <p>1 MS. HARD-WILSON: Objection; form. 2 A. I'm sure he did. 3 Q. (BY MR. FREEMAN) Okay. Did Mr. Szeto ever 4 say to segregate that inventory? 5 A. Not that I remember. 6 Q. Did Mr. Szeto ever say to treat that 7 inventory differently or in any particular way? 8 A. Not that I'm aware of. 9 Q. Okay. 10 A. The inventory was just placed in the 11 warehouse, and I pulled orders and packed those orders 12 and shipped out. 13 Q. Okay. 14 A. I don't know who owned or what was going on 15 on that -- that end, on selling. I was just packing 16 orders, using the inventory on hand. 17 Q. Was there -- was there any other information 18 from ACET Global that you know of that did not go into 19 those storage units? 20 A. Not that I'm aware of. 21 Q. Okay. And then, was there any other 22 inventory from those storage units that did not then 23 go to Windspeed's new location? 24 A. Not that I'm aware of. 25 Q. Okay. Let me ask this way.</p>

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<p>1           Did -- was there ever a time when 2       Windspeed bought \$500,000 worth of new inventory, that 3       you remember?</p> <p>4           MR. PERRIN: Objection --</p> <p>5       A. I didn't purchase --</p> <p>6           MR. PERRIN: -- to form.</p> <p>7       A. -- inventory.</p> <p>8       Q. (BY MR. FREEMAN) Okay. Were there ever any 9       discussions about that inventory that came from ACET 10      Global?</p> <p>11      A. I'm not sure what you're asking.</p> <p>12      Q. Any discussions in particular that -- that 13      you would remember.</p> <p>14      A. Not that I remember.</p> <p>15      Q. Okay. Any discussion with anybody about 16      there being a lien on that inventory?</p> <p>17      A. No. I don't have that information, no.</p> <p>18      Q. Ever any discussion about anybody conducting 19      a foreclosure sale on that inventory?</p> <p>20      A. No, I don't know that information.</p> <p>21      Q. Really? So nobody ever said anything about 22      some party foreclosing on the inventory of ACET 23      Global?</p> <p>24      MS. HARD-WILSON: Objection; form.</p> <p>25      A. No. I don't know anything about foreclosing</p>	<p>1           A. I don't know that for sure. I don't know 2       that.</p> <p>3           Q. Okay. Do you know if Super G Capital had any 4       ownership interest in Windspeed?</p> <p>5      A. I don't know.</p> <p>6           Q. Do you know if it has a 40 percent interest 7       in Windspeed?</p> <p>8      A. I don't know.</p> <p>9           Q. Do you know if any entity with the name 10      "Baymark" has a 40 percent interest in Windspeed?</p> <p>11      A. I don't know.</p> <p>12           Q. Would that be inconsistent with the way that 13      Mr. Szeto has described his ownership in Windspeed?</p> <p>14      A. I don't know that information.</p> <p>15           My own understanding, that -- that Bill 16      Szeto owns Windspeed.</p> <p>17      Q. Okay.</p> <p>18      A. But I don't have any financial information on 19      that.</p> <p>20      Q. Okay. Do you work pretty closely with the 21      inventory, in your position?</p> <p>22      A. Yes. I -- I print orders and then I pull 23      from the inventory and pack it and ship it out.</p> <p>24      Q. In your day-to-day job, do you -- do you 25      basically see the warehouse?</p>
<p>1       or anything like that.</p> <p>2       Q. (BY MR. FREEMAN) Okay. And Mr. Szeto never 3       discussed that with you?</p> <p>4       A. About foreclosing?</p> <p>5       MS. HARD-WILSON: Objection.</p> <p>6       Q. (BY MR. FREEMAN) Yes, about -- about anyone 7       foreclosing on -- on that inventory.</p> <p>8       A. I don't even know what you mean by 9       "foreclosing."</p> <p>10      Q. Was there ever a lender who came and took 11      that -- took the inventory, ACET Global's former 12      inventory?</p> <p>13      A. No. No one came and took any inventory.</p> <p>14      Q. Okay.</p> <p>15      A. That I'm aware of.</p> <p>16      Q. Do you ever remember -- do you know if 17      Windspeed ever went and purchased that inventory from 18      ACET Global or anyone else?</p> <p>19      MS. HARD-WILSON: Objection; form.</p> <p>20      A. I believe they did; I -- I don't know that, 21      though.</p> <p>22      I don't know that information for sure.</p> <p>23      Q. (BY MR. FREEMAN) Okay. Do you know if -- do 24      you know if Windspeed ever purchased that inventory 25      from Super G Capital?</p>	<p>1           A. Yes.</p> <p>2           Q. Would you notice if there was an influx of a 3       bunch of new inventory?</p> <p>4           A. We did receive inventory. We do receive 5       inventory coming in, yes.</p> <p>6           Q. All right. That's -- that's a common 7       occurrence, correct?</p> <p>8      A. Yes.</p> <p>9           Q. Do you ever receive -- let me ask you, do you 10      have any idea how much that inventory costs, like what 11      a normal typical inventory purchase runs?</p> <p>12      A. No. I'm not aware of that.</p> <p>13      Q. Do you remember any time in January of 2019 a 14      large amount of inventory coming into the warehouse?</p> <p>15      A. I remember inventory coming in, yes, at a 16      regular basis.</p> <p>17      Q. Just normal course?</p> <p>18      A. I just don't remember the quantity.</p> <p>19      Q. Do you remember anyone ever telling you that 20      Windspeed had acquired inventory from Super G Capital?</p> <p>21      A. I don't remember.</p> <p>22      Q. Do you remember ever fulfilling orders with 23      inventory from Super G Capital?</p> <p>24      A. I don't know who would have owned inventory. 25      That wasn't -- I was just pulling the orders and</p>

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<p>1 packing from the inventory that we have here, that we 2 had on hand.</p> <p>3 Q. Okay. Do you recall what the address of ACET 4 Venture Partners was?</p> <p>5 A. No.</p> <p>6 Q. How about ACET Global? I'm sorry I'm testing 7 you on this. I'm just...</p> <p>8 A. It's in Plano.</p> <p>9 Q. Okay.</p> <p>10 A. I just can't remember the street name.</p> <p>11 Q. That's okay.</p> <p>12 A. It was Plano.</p> <p>13 Q. Plano. That's good enough.</p> <p>14 What about Windspeed Trading?</p> <p>15 A. Yes. We're in -- (Speaking simultaneously.)</p> <p>16 A. It's International Parkway, Richardson, 17 Texas.</p> <p>18 Q. (BY MR. FREEMAN) Got it. Okay. 19 Did Windspeed have any other business 20 locations?</p> <p>21 A. Not that I -- I know of.</p> <p>22 Q. Okay. Do you know if it generally used any 23 other company addresses?</p> <p>24 A. No, I don't know that. I'm not aware of any.</p>	<p>1 write this designation, "All Shipped"?</p> <p>2 A. We do in fulfillment. It could have been me 3 or Paula Ketter.</p> <p>4 Q. Okay. Was that kind of the standard 5 practice, to -- to write that on there?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And can you tell me, on -- on this 8 purchase order with Zulily, what company is designated 9 here as fulfilling this purchase order?</p> <p>10 A. It says ACET Venture Partners, LLC.</p> <p>11 Q. Now, did you work for that company?</p> <p>12 A. I am not sure. I think that was the Koolulu, 13 but I'm not sure.</p> <p>14 But -- not sure. I mean, ACET Venture, 15 if that was Koolulu.</p> <p>16 Q. Okay. What about that address? Was that 17 Colulu's address?</p> <p>18 A. No. That is our address, Windspeed Trading's 19 address.</p> <p>20 Q. That's Windspeed Trading's address?</p> <p>21 What about the e-mail address reflected 22 there? Is that a domain that Windspeed used?</p> <p>23 A. Not that I'm aware of.</p> <p>24 Q. Do you have any idea why this purchase copy 25 reflects ACET Venture Partners?</p>
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<p>1 Q. I am going to attempt to do a screen share 2 with you.</p> <p>3 Ms. Tomerlin, can you see the PDF that's 4 up on your screen?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. I have marked this as Exhibit 2 to 7 identify it.</p> <p>8 A. Mm-hm.</p> <p>9 Q. Does this document look familiar?</p> <p>10 A. It looks like a purchase order. Yes.</p> <p>11 Q. Okay. Could you explain to me what a -- what 12 a purchase order is?</p> <p>13 A. The marketplace, Zulily, will order so many 14 items. We fulfill that by pulling the inventory, 15 packing it, and then shipping it directly to Zulily.</p> <p>16 Q. Okay. And when was this shipped, if you can 17 tell?</p> <p>18 A. February the 6th, 2019.</p> <p>19 Q. Okay. So am I understanding this correct 20 that the -- the items or the inventory reflected on 21 this Exhibit 2, this purchase order, appeared to have 22 been all shipped in -- on February 6th of 2019 to 23 Zulily?</p> <p>24 A. Correct.</p> <p>25 Q. And do you know who would write -- who would</p>	<p>1 A. No, I don't. 2 MS. HARD-WILSON: Objection; form.</p> <p>3 A. I don't know.</p> <p>4 Q. (BY MR. FREEMAN) Okay. Do you know if other 5 purchase orders reflected ACET Venture Partners?</p> <p>6 A. I don't know. 7 MS. HARD-WILSON: Objection; form.</p> <p>8 A. I don't -- I don't know.</p> <p>9 Q. (BY MR. FREEMAN) Okay. Ms. Tomerlin, I'm -- 10 I'm putting on the screen what I've marked as 11 Exhibit 3.</p> <p>12 MS. HARD-WILSON: Before -- before you 13 start, Jason, I just wanted to ask if Dana needed a 14 break.</p> <p>15 THE WITNESS: No. I'm fine.</p> <p>16 MS. HARD-WILSON: Okay.</p> <p>17 THE WITNESS: Thank you.</p> <p>18 MS. HARD-WILSON: Let us know.</p> <p>19 THE WITNESS: Thank you. I'm okay.</p> <p>20 Thank you. Just need to swallow my drink.</p> <p>21 MR. FREEMAN: Let me ask another 22 question. Does Brenda need a break?</p> <p>23 MS. HARD-WILSON: I'm good, but it's 24 been just over an hour so I wanted to make sure.</p> <p>25 MR. FREEMAN: Yeah, it's -- it's been</p>

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<p>1 a -- it's been a long day. I -- I am fine to take a 2 break if y'all would like. 3 Dana, you're doing great. 4 THE WITNESS: I just needed a drink, 5 that was it. I'm fine to go on. 6 MR. FREEMAN: All right. We -- we'll go 7 a little bit longer, and then we'll take a break here 8 in just a little bit. 9 Q. (BY MR. FREEMAN) So, Ms. Tomerlin, I -- I 10 have what I've marked as Exhibit 3 on the screen. 11 Is that showing up for you? 12 (Marked Exhibit Nos. 2 and 3.) 13 A. Yes. 14 Q. (BY MR. FREEMAN) Does that generally -- do 15 you recognize this document or this type of document? 16 A. I'm not familiar with invoices. 17 Q. Okay. I'm going to scroll through it so you 18 can see the whole thing. If you need me to slow down 19 anywhere, just let me know. I just want you to see 20 the whole document. 21 It still doesn't look familiar, correct? 22 A. I -- I'm just -- I'm not familiar with 23 invoices. 24 Q. Okay. 25 MR. FREEMAN: Let me ask you a -- some</p>	<p>1 that involve? 2 A. I don't have that information. 3 Q. Is she still an employee of ACET Global? 4 A. I don't know that. 5 I know that she works at Windspeed 6 Trading. 7 Q. Okay. And -- and her role at Windspeed is 8 the same as it was at ACET Global? 9 MR. PERRIN: Objection; form. 10 A. I know she is a sales manager at Windspeed 11 Trading. 12 Q. (BY MR. FREEMAN) Okay. Do you know if her 13 role is the same as it was at ACET Global? 14 MS. HARD-WILSON: Objection; form. 15 A. I know it has to do with sales. 16 Q. (BY MR. FREEMAN) Okay. What about Jane Lin? 17 Who is Jane Lin? 18 A. She works in the accounting area. 19 Q. Okay. Works for Windspeed? 20 A. Yes, I'm -- yes. Windspeed Trading, yes. 21 Q. When did you first meet Jane? 22 A. At ACET Global. 23 Q. Okay. Was she an employee of ACET Global? 24 A. Yes. 25 Q. And was she in the same role with ACET</p>
<p>1 questions about a few -- well, you know what? I'll 2 tell you what. That's actually a -- that's actually a 3 good place for a break. Why don't we -- why don't we 4 take like a five-minute break and then -- and then 5 circle back up after that. 6 THE VIDEOGRAPHER: All right. The time 7 is 3:19 p.m. and we are off the record. 8 (Break from 3:19 p.m. to 3:27 p.m.) 9 THE VIDEOGRAPHER: The time is 3:27 p.m. 10 and we are back on the record. 11 Q. (BY MR. FREEMAN) Ms. Tomerlin, I want to ask 12 you about a few people and would just like for you to 13 tell me what you -- what you know about them. 14 Sai Vattana. Who is Sai? 15 A. She is our sales manager. 16 Q. Okay. When did you first meet Sai? 17 A. At ACET Global. 18 Q. Okay. So was she an employee of ACET Global? 19 A. Yes, I believe so. 20 Q. Was she always the sales manager? 21 A. I don't remember her title, but I don't know 22 if it was always manager. I'm not sure. 23 Q. But always in sales? 24 A. Yes. 25 Q. And what do you understand that -- what did</p>	<p>1 Global? 2 A. She worked in accounting. 3 Q. Okay. And she's currently an employee of 4 Windspeed? 5 A. Yes. 6 Q. Going back to Sai, was Sai involved with 7 inventory at all? 8 A. I am not sure. I believe she helped purchase 9 inventory. 10 Q. Okay. Do you know who else helped purchase 11 inventory? 12 A. No, not -- I don't know. 13 Q. Just Sai? 14 A. I don't know who all is involved in 15 purchasing inventory. 16 Q. Okay. Okay. I am going to put on the screen 17 what's marked as Exhibit 10. 18 Ms. Tomerlin, can you see that? 19 (Marked Exhibit No. 10.) 20 A. I don't see anything yet. 21 Q. (BY MR. FREEMAN) Yeah. I bet I know why. 22 Can you see that now? 23 A. Yes. 24 Q. And -- and is this document marked as 25 Exhibit 10?</p>

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<p>1 A. Yes. 2 Q. Just want to give you a minute to look at 3 this and look at the -- the language in the agreement. 4 A. Okay. 5 Q. Are you familiar with this document? 6 A. No. 7 Q. Does this have the name Koolulu, the company 8 you've been referring to? 9 A. Yes. 10 Q. Is that the Koolulu, the -- the company or 11 the brand or the Web site you -- you've referred to? 12 A. I interviewed with the company, with Koolulu, 13 as advertised. I mean, I -- when I went to work, I 14 interviewed with -- with Koolulu. 15 Q. Okay. Was that the company that Tomer Damti 16 owned? 17 A. I don't know who owned -- 18 Q. Was it -- 19 A. -- that company. 20 Q. -- a company that he -- he ran? 21 A. He -- I worked for him there, yes. 22 Q. Okay. And that's the company that became 23 ACET Global? 24 A. I don't know the -- 25 MS. HARD-WILSON: Objection.</p>	<p>1 A. I don't know for sure. 2 Q. (BY MR. FREEMAN) Okay. Is portion that's 3 highlighted here -- is that your e-mail address? 4 A. Yes. I check that e-mail every day. Yes. 5 Q. Okay. Do you get e-mails related to Koolulu? 6 A. No, but -- no. 7 Q. Does this refer to products being fulfilled 8 by Koolulu? 9 A. That's what it says. That's what it looks 10 like. 11 Q. Do you understand yourself to have been 12 fulfilling orders on behalf of Koolulu? 13 A. No. 14 Q. Do you know what this is referring to? 15 A. I fulfill orders from restaurant.com. 16 Q. Okay. And is this agreement between 17 restaurant.com and koolulu.com? 18 A. I don't know. I'm not familiar with this. 19 Q. Okay. But you are acknowledging that you 20 have fulfilled inventory purchases from or to 21 restaurant.com? 22 MR. PERRIN: Objection; form. 23 A. I receive orders from restaurant.com that I 24 print out and pack and ship, yes. 25 Q. (BY MR. FREEMAN) Okay. So you ship inventory</p>
<p style="text-align: center;">Page 63</p> <p>1 Q. (BY MR. FREEMAN) Okay. But you -- you are or 2 are not familiar with this document or any of the 3 agreement reflected in it? 4 A. No, I'm not familiar with it. 5 Q. Do you have any idea why Koolulu would have 6 been engaging in this transaction, which appears to be 7 for a period from -- starting in January of 2019, and 8 why this would be signed by Jane Lin over at Windspeed 9 Trading? 10 MS. HARD-WILSON: Objection; form. 11 A. No, I don't know that. 12 Q. (BY MR. FREEMAN) Could you look at that 13 signature line and tell me what title appears 14 between -- underneath the signatory? 15 MR. PERRIN: Objection; form. 16 A. "Sales." 17 Q. (BY MR. FREEMAN) Okay. And are you familiar 18 with Jane Lin? 19 A. Yes. 20 Q. Do you know why Jane Lin is signing a 21 document, representing herself as having a title in 22 sales? 23 MR. PERRIN: Objection; form. 24 A. I don't -- 25 MS. HARD-WILSON: Objection; form.</p>	<p style="text-align: center;">Page 65</p> <p>1 that's being purchased by restaurant.com and you ship 2 it to restaurant.com? 3 A. No. I receive orders from restaurant.com, I 4 print them out, I pack them, and I ship them to the 5 customers. 6 Q. So you -- 7 (Speaking simultaneously.) 8 Q. (BY MR. FREEMAN) Do customers order through 9 restaurant.com? 10 A. Yes. 11 Q. And they order your products on their 12 platform? 13 A. Yes. 14 Q. Okay. Do you do any work for koolulu.com? 15 A. No. 16 Q. Does Jane Lin do any work for koolulu.com? 17 A. I don't know. I would say no. 18 I'm not familiar with that. 19 Q. Okay. Is this agreement consistent with your 20 understanding of how Windspeed works? 21 MS. HARD-WILSON: Objection; form. 22 MR. PERRIN: Objection; form. 23 A. I am not familiar with the agreements with the marketplaces. 24 Q. (BY MR. FREEMAN) I'm showing you what's</p>

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<p>1 marked as Exhibit 11. 2 (Marked Exhibit No. 11.) 3 Q. (BY MR. FREEMAN) Can you see this document, 4 Ms. Tomerlin? 5 Ms. Tomerlin, can you see -- 6 A. I'm sorry. I thought you heard me. 7 Q. All right. 8 A. Sorry. 9 Q. What is the date of this document? 10 A. January 10th, 2019. 11 Q. Okay. And whose letterhead does this 12 document have? 13 A. Windspeed Trading, LLC. 14 MR. PERRIN: Objection; form. 15 Q. (BY MR. FREEMAN) And who signed this 16 document? 17 A. It says "William C. Szeto," is the name 18 written there. 19 Q. Okay. And take a look at the document, 20 what's written in the document, and -- and tell me 21 what this document appears to be doing or -- or 22 requesting. 23 MR. PERRIN: Objection; form. 24 A. I'm not familiar with this document. 25 Q. (BY MR. FREEMAN) Okay. Are you able to read</p>	<p>1 A. I don't remember exactly. 2 Q. What do you remember, even if not exactly? 3 A. I just don't remember. I remember hearing 4 about Super G. That's all I... 5 I can't recall. 6 Q. Do you remember where you were when you heard 7 about Super G? 8 A. No, I just don't remember exactly. 9 Q. Okay. Do you remember if ACET Global had a 10 liability to Super G Capital? 11 MS. HARD-WILSON: Objection; form. 12 A. I don't know. 13 Q. (BY MR. FREEMAN) Do you know -- do you know 14 if ACET Global ever had a liability to Super G 15 Capital? 16 MS. HARD-WILSON: Objection; form. 17 A. I don't know. 18 Q. (BY MR. FREEMAN) Do you know if ACET Global 19 was -- was ever failing financially? 20 MS. HARD-WILSON: Objection; form. 21 A. I don't know. 22 Q. (BY MR. FREEMAN) Did you ever hear anyone 23 talk about ACET Global defaulting on any loans? 24 A. Not that I can remember. 25 Q. Did you ever hear anyone at ACET Global ever</p>
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<p>1 it? 2 MR. PERRIN: Objection; form. 3 A. "Please close the following three accounts 4 under Acet Global LLC effective immediately. Thank 5 you." 6 Q. (BY MR. FREEMAN) Okay. Was Acet Global, LLC 7 still operating in 2019? 8 A. I don't know. 9 MS. HARD-WILSON: Objection; form. 10 A. I don't know. 11 Q. (BY MR. FREEMAN) Do you have any idea why 12 William Szeto was directing the closure of its bank 13 accounts in 2019? 14 MS. HARD-WILSON: Objection; form. 15 A. I don't know. 16 Q. (BY MR. FREEMAN) We talked about this a 17 little bit: Are -- are you familiar with Super G 18 Capital? 19 A. No. 20 Q. And not familiar with whether or not it's a 21 lender? 22 A. I remember hearing the name, but, no, I'm not 23 familiar with that information. 24 Q. Who -- who do you remember hearing the name 25 from?</p>	<p>1 talk about owing Tomer Damti \$3.2 million? 2 MR. PERRIN: Objection; form. 3 A. Not that I know of. Not that I remember. 4 Q. (BY MR. FREEMAN) Did you ever hear anyone at 5 ACET Global ever mention the fact that it never paid a 6 single payment on the note of \$3.2 million that it 7 owed to Tomer Damti? 8 MS. HARD-WILSON: Objection; form. 9 A. I don't know that, no. 10 Q. (BY MR. FREEMAN) Did you ever hear anyone at 11 ACET Global ever discuss the fact that it never paid a 12 single payment on the promissory note that it made to 13 Tomer Damti? 14 MS. HARD-WILSON: Objection; form. 15 A. I don't know. 16 Q. (BY MR. FREEMAN) Did you ever hear anyone 17 talk about the fact that Tomer Damti had a lien on the 18 assets of ACET Global? 19 MS. HARD-WILSON: Objection; form. 20 A. Not that I remember. 21 Q. (BY MR. FREEMAN) Okay. Did you ever hear 22 anyone talk about the fact that ACET Global owed D&amp;T 23 Partners or ACET Venture Partners several million 24 dollars? 25 MS. HARD-WILSON: Objection; form.</p>

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<p>1 A. No.</p> <p>2 Q. (BY MR. FREEMAN) Did you ever hear anyone</p> <p>3 talk about the fact that ACET Global failed to ever</p> <p>4 make a single payment on the several million dollars</p> <p>5 that it owed to ACET Venture Partners or D&amp;T Partners?</p> <p>6 MS. HARD-WILSON: Objection; form.</p> <p>7 A. No, I -- I did not -- I don't remember</p> <p>8 hearing that.</p> <p>9 Q. (BY MR. FREEMAN) Were you aware of that</p> <p>10 liability?</p> <p>11 A. No. I wasn't involved in any of the</p> <p>12 financial.</p> <p>13 Q. Okay. No one ever discussed the fact that</p> <p>14 there was a -- a liability owed of 2- to \$3 million to</p> <p>15 D&amp;T Partners or Tomer Damti or ACET Venture Partners?</p> <p>16 MS. HARD-WILSON: Objection; form.</p> <p>17 A. Not that I know of.</p> <p>18 Q. (BY MR. FREEMAN) Okay. Did there ever come a</p> <p>19 time that Super G Capital foreclosed on ACET Global's</p> <p>20 inventory?</p> <p>21 A. I don't know that.</p> <p>22 Q. You were never told that Super G Capital had</p> <p>23 foreclosed on ACET Global's assets or inventory?</p> <p>24 A. Not that I can remember.</p> <p>25 Q. Does that seem like something you would</p>	<p>1 with this.</p> <p>2 Q. (BY MR. FREEMAN) Ms. Tomerlin, just to be</p> <p>3 clear, even when someone objects or says "Objection;</p> <p>4 form," you still have a legal obligation to testify if</p> <p>5 you know the answer or think you know the answer.</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Has -- has anyone instructed you or</p> <p>8 asked you not to -- not to answer a question if</p> <p>9 someone objects?</p> <p>10 A. No.</p> <p>11 Q. Okay.</p> <p>12 So who does this letter, Exhibit 12,</p> <p>13 appear to be from?</p> <p>14 A. To be from?</p> <p>15 Q. Yes, ma'am.</p> <p>16 MR. PERRIN: Objection; form.</p> <p>17 A. Appears that the -- I'm not sure. I'm</p> <p>18 looking at the title -- the top of the page, and it</p> <p>19 says "Super G."</p> <p>20 Q. (BY MR. FREEMAN) Okay.</p> <p>21 A. That's all I see.</p> <p>22 Q. Do you -- do you recall ever being told that</p> <p>23 there was a notice of default, notice of disposition</p> <p>24 with respect to ACET Global's assets?</p> <p>25 A. No. I don't -- I don't remember -- I don't</p>
<p>1 remember?</p> <p>2 MR. PERRIN: Objection; form.</p> <p>3 A. I wasn't aware of the financial situation.</p> <p>4 Q. (BY MR. FREEMAN) Okay. Ms. Tomerlin, I am</p> <p>5 placing what's marked as Exhibit 12 on your screen.</p> <p>6 Can you see this document?</p> <p>7 A. Yes.</p> <p>8 (Marked Exhibit No. 12.)</p> <p>9 Q. (BY MR. FREEMAN) Okay. Can you tell me --</p> <p>10 have you ever seen this document?</p> <p>11 A. No.</p> <p>12 Q. Can you tell me who this document is to?</p> <p>13 A. Who it's --</p> <p>14 MR. PERRIN: Objection; form.</p> <p>15 A. -- to?</p> <p>16 No.</p> <p>17 Q. (BY MR. FREEMAN) Does it appear to be to ACET</p> <p>18 Global, LLC?</p> <p>19 MR. PERRIN: Objection; form.</p> <p>20 A. The beginning of the letter says "ACET</p> <p>21 Global, LLC."</p> <p>22 Q. (BY MR. FREEMAN) Does that normally indicate</p> <p>23 who the letter is to?</p> <p>24 MR. PERRIN: Objection; form.</p> <p>25 A. I don't know. I don't -- I'm not familiar</p>	<p>1 know that information.</p> <p>2 Q. Okay. Ms. Tomerlin, I'm going to scroll</p> <p>3 through this document so you can see it. This will</p> <p>4 probably be helpful.</p> <p>5 I'm stopping on a page that's Bates-</p> <p>6 labeled D&amp;T Partners, LLC 000510, and it's marked at</p> <p>7 the top, "Exhibit 1," of this Exhibit 12 to this</p> <p>8 deposition.</p> <p>9 Do you recognize this document?</p> <p>10 A. It looks familiar, like it was some of the</p> <p>11 inventory that was gathered or listed.</p> <p>12 Q. And what do you mean by that?</p> <p>13 A. Some of the inventory looks familiar.</p> <p>14 Q. How so?</p> <p>15 A. On inventory that was sold or I shipped or</p> <p>16 shipped and packed.</p> <p>17 Q. While working at Windspeed?</p> <p>18 A. I am not sure.</p> <p>19 Q. Okay. Is that because you generally sold the</p> <p>20 same inventory at Windspeed that was sold at ACET</p> <p>21 Global or...?</p> <p>22 MR. PERRIN: Objection; form.</p> <p>23 A. Some of the same inventory, yes.</p> <p>24 Q. (BY MR. FREEMAN) But you -- you're not sure</p> <p>25 if you've seen this document or not?</p>

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<p>1        A. There was an inventory list that we -- we did 2 formulate an inventory list before, at ACET Global. 3        Q. Okay. 4        A. Or -- and -- I would -- it looks familiar. 5        Q. Okay. 6        A. But I can't recall. 7        Q. Do you remember receiving all of this 8 inventory in March of 2019 at Windspeed? And I'll 9 scroll through it again so you can see all of them and 10 see the quantities. 11        Do you remember receiving this inventory 12 at Windspeed? 13        A. Some of them looks like some of the inventory 14 moved from the older warehouse -- or, the other 15 warehouse to the new -- our Windspeed warehouse. 16        Q. Some of the inventory that was moved -- 17        A. I -- 18        Q. -- to Windspeed in -- 19        A. I -- 20        Q. -- 2018? 21        A. I recognize some of it as inventory -- 22        Q. Okay. 23        A. -- that we moved. 24        Q. Was that the inventory that was mixed in with 25 the existing inventory that you're referring to?</p>	<p>1        as a reference. But I didn't use the Web site. I'm 2 not familiar. 3        Q. Can you tell me what you mean by "used as a 4 reference"? 5        A. I know it was not a -- a functioning site. I 6 think it was used for products from, like -- for 7 descriptions. 8        Q. Okay. When you say "not functioning," did it 9 just not work? 10        A. I didn't -- we didn't receive any orders in 11 fulfillment from the site that -- to my knowledge. 12        Q. Was it just more for marketing? 13        A. I'm -- I'm not sure. 14        Q. Okay. Have you seen any affidavit of Tomer 15 Damti? Have you been asked to read those? 16        A. I'm sorry. I don't understand the question. 17        Q. Have you been asked to read any affidavits or 18 declarations from Tomer Damti? 19        A. No. 20        Q. Okay. Have you been asked to read any 21 affidavits or declarations from Monica Plaskett? 22        A. Any affidatas [verbatim]? 23        Q. Affidavits, like -- 24        A. Oh. Okay. 25        Q. -- statements or -- or declarations.</p>
<p style="text-align: center;">Page 75</p> <p>1        A. That -- yeah, that this -- there was 2 inventory we moved from the old warehouse to the 3 storage unit, to Windspeed Trading; and -- and some of 4 that, when I'm looking at, looks familiar that was 5 moved. 6        Q. Okay. Okay. 7        Do you recognize any of these inventory 8 numbers or the inventory numbering system? 9        A. It looks like an inventory count. 10        Q. Okay. Do you recognize any of these types of 11 inventory codes or product numbers? 12        A. This -- I recognize some, maybe, yes. 13        Q. Okay. Do you recognize this item, this Tear 14 of a Fairy Bracelet? Not really? 15        A. Yes. I -- I kind of remember jewelry, yes. 16        Q. Okay. Is that an item that you sell at 17 Windspeed, or do you know? 18        A. I don't know. 19        Q. Okay. Again, you don't have much familiarity 20 with the -- Windspeed's Web site? 21        A. No. 22        Q. Do you know if it's currently working? 23        A. I don't know. I don't believe so. 24        Q. Do you know what's wrong with it? 25        A. No. I -- I'm not sure. I think it was used</p>	<p style="text-align: center;">Page 77</p> <p>1        A. No. 2        Q. Who all have you discussed this case with? 3        A. I'm sorry, what -- what -- 4        Q. Who -- who have you -- who have you discussed 5 this case with? 6        A. Bill Szeto informed us of the case, the -- us 7 here at Windspeed Trading. 8        Q. Okay. What did Bill Szeto say? 9        A. He -- he was just explaining there was a 10 lawsuit, and that was all I know of; and then he 11 explained that -- that -- that I was being asked to 12 give a deposition regarding the lawsuit. 13        Q. Okay. Did he give you any pointers? 14        A. No. He -- he actually just said to just be 15 honest and say what you know, if you know any of the 16 information that they're asking. 17        Q. Okay. Did he say to do anything if you 18 didn't know? 19        A. No. He just said, "If you know something, 20 yes; if you don't, you don't know." 21        Q. So he -- he told you, if you didn't know what 22 it was, not to say anything? Or -- 23        A. No. 24        Q. -- what did he say? 25        MR. PERRIN: Objection; form.</p>

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<p>1 A. No. He just explained the deposition. They 2 will ask us information; and if we know the 3 information, to be honest and say the information if 4 we know the information.</p> <p>5 Q. (BY MR. FREEMAN) Okay. Did -- can you 6 elaborate on exactly what he said?</p> <p>7 A. That --</p> <p>8 MS. HARD-WILSON: Objection; form.</p> <p>9 THE WITNESS: I'm sorry.</p> <p>10 A. That was what he said.</p> <p>11 Q. (BY MR. FREEMAN) Okay. Did he go over what 12 areas you were going to be asked about?</p> <p>13 MS. HARD-WILSON: Objection; form.</p> <p>14 A. He said they would ask questions that -- 15 about the business.</p> <p>16 Q. (BY MR. FREEMAN) About what business?</p> <p>17 A. My -- my -- in fulfillment, what I do and 18 every -- all...</p> <p>19 Q. What aspects of your business did he tell you 20 were going to ask about?</p> <p>21 A. He did not.</p> <p>22 MS. HARD-WILSON: Objection; form.</p> <p>23 THE WITNESS: Oh. Sorry.</p> <p>24 A. He did not.</p> <p>25 I asked him what it was regarding, and</p>	<p>1 Q. (BY MR. FREEMAN) I asked you, did he tell you 2 not to testify about any area.</p> <p>3 A. Oh. No.</p> <p>4 MS. HARD-WILSON: Objection; form.</p> <p>5 MR. FREEMAN: Can we go off the record 6 for a couple of minutes?</p> <p>7 THE VIDEOGRAPHER: The time is 4:00 p.m. 8 and we are off the record.</p> <p>9 (Break from 4:00 p.m. to 4:05 a.m.)</p> <p>10 THE VIDEOGRAPHER: The time is 4:05 p.m. 11 and we are back on the record.</p> <p>12 MR. FREEMAN: Ms. Tomerlin, I want to 13 thank you for taking the time out of your day today 14 and for sitting down with us and -- and going through 15 this process. I know it's not fun. But you can now 16 say you've sat through a deposition.</p> <p>17 Unless there are -- before you take deep 18 breaths, I guess there is theoretically a chance that 19 another attorney will want to ask you questions. I 20 think you're about to be able to get on with your 21 weekend.</p> <p>22 So I'll pass the witness.</p> <p>23 MS. HARD-WILSON: We reserve our 24 questions.</p> <p>25 Thank you, Dana.</p>
Page 79	Page 81
<p>1 he said it was over the lawsuit over their -- a 2 lawsuit.</p> <p>3 Q. (BY MR. FREEMAN) Okay.</p> <p>4 A. "And they may ask you questions, this is what 5 it's about."</p> <p>6 Q. Okay. Did he tell you any areas you 7 shouldn't talk about?</p> <p>8 A. No.</p> <p>9 MS. HARD-WILSON: Objection; form.</p> <p>10 A. Not that I remember, no.</p> <p>11 Q. (BY MR. FREEMAN) Not that you remember?</p> <p>12 A. No.</p> <p>13 Q. Is that something you would remember?</p> <p>14 MS. HARD-WILSON: Objection; form.</p> <p>15 A. What was the question again?</p> <p>16 Q. (BY MR. FREEMAN) If someone had told you not 17 to testify about an area, is that something you would 18 remember?</p> <p>19 MR. PERRIN: Objection; form.</p> <p>20 A. Yes, I would remember that.</p> <p>21 Q. (BY MR. FREEMAN) So -- so is the answer 22 that -- no? Is -- is the answer not just no, he 23 didn't tell you -- tell you that?</p> <p>24 MS. HARD-WILSON: Objection; form.</p> <p>25 A. What was the question again?</p>	<p>1 THE WITNESS: Okay. Thank you.</p> <p>2 MR. PERRIN: Ed Perrin and the Baymark 3 defendants reserve their questions as well.</p> <p>4 MR. FREEMAN: Okay. I think we are 5 done.</p> <p>6 MR. PERRIN: Which means you're done, 7 Ms. Tomerlin. Thank you for your time.</p> <p>8 THE WITNESS: Oh, we done? Okay.</p> <p>9 THE VIDEOGRAPHER: Sounds good.</p> <p>10 Before we go off the record, does 11 anybody want a copy of the video or transcript?</p> <p>12 MR. FREEMAN: I'm sorry. I'm -- of the 13 transcript?</p> <p>14 THE VIDEOGRAPHER: Yeah. Yeah. I guess 15 I'll go with, like, Ms. Hard-Wilson, do you want a 16 copy of the video or transcript?</p> <p>17 MS. HARD-WILSON: No, thank you.</p> <p>18 THE VIDEOGRAPHER: Mr. Perrin?</p> <p>19 MR. PERRIN: The transcript.</p> <p>20 THE VIDEOGRAPHER: Transcript. Perfect.</p> <p>21 All right. The time is 4:06 p.m. and we 22 are off the record.</p> <p>23 (The deposition concluded at 4:07 p.m.)</p>

<p style="text-align: center;">Page 82</p> <p>1            WITNESS CORRECTIONS AND SIGNATURE 2        Please indicate changes on this sheet of paper, 3        giving the change, page number, line number and reason 4        for the change. Please sign each page of changes. 5        PAGE/LINE    CORRECTION    REASON FOR CHANGE 6        _____ 7        _____ 8        _____ 9        _____ 10      _____ 11      _____ 12      _____ 13      _____ 14      _____ 15      _____ 16      _____ 17      _____ 18      _____ 19      _____ 20      _____ 21      _____ 22      _____ 23      _____ 24      _____ 25      <u>DANA TOMERLIN</u></p>	<p style="text-align: center;">Page 84</p> <p>1            CAUSE NO. DC-19-09828 2        D&amp;T PARTNERS, LLC   IN THE DISTRICT COURT OF 3        (successor in interest   4        to ACET VENTURE   4        PARTNERS, LLC),   5        Plaintiff,   6          7        V.   DALLAS COUNTY, TEXAS 8        ACET GLOBAL, LLC;   8        BAYMARK ACET HOLDCO,   9        LLC; BAYMARK ACET   9        DIRECT INVEST, LLC;   10      BAYMARK MANAGEMENT,   10      LLC; BAYMARK PARTNERS;   11      DAVID HOOK; TONY   11      LUDLOW; and WINDSPEED   12      TRADING, LLC,   12        13      Defendants.   116TH JUDICIAL DISTRICT 14      REPORTER'S CERTIFICATION 14      REMOTE ORAL AND VIDEO-TAPED DEPOSITION OF DANA TOMERLIN 14      MARCH 26, 2021 15      I, Mendy A. Schneider, a Certified Shorthand 16      Reporter in and for the State of Texas, hereby certify 17      to the following: 18      That the witness, DANA TOMERLIN, was duly sworn by 19      the officer and that the transcript of the oral 20      deposition is a true record of the testimony given by 21      the witness; 22      That the deposition transcript was submitted on 23      _____, 2021, to the witness, or to the 24      attorney for the witness, for examination, signature, 25      _____</p>
<p style="text-align: center;">Page 83</p> <p>1        I, DANA TOMERLIN, have read the foregoing 2        deposition and hereby affix my signature that same is 3        true and correct, except as noted on the previous 4        page(s), and that I am signing this before a Notary 5        Public. 6        _____ 6        <u>DANA TOMERLIN</u> 7        STATE OF TEXAS * 8        COUNTY OF * 10      Before me, _____, on 11      this day personally appeared DANA TOMERLIN, known to me, or proved to me under oath or through 12      _____ (description of identity card or other document), to be the person whose name is 13      subscribed to the foregoing instrument and acknowledged to me that they executed the same for the 14      purposes and consideration therein expressed. 15      Given under my hand and seal of office on this, the _____ day of _____, 2021. 16      _____ 17      _____ 18      NOTARY PUBLIC IN AND FOR THE 19      STATE OF TEXAS 20      My Commission Expires: _____ 21      _____ 22      _____ 23      _____ 24      _____ 25      JOB NO. 67301</p>	<p style="text-align: center;">Page 85</p> <p>1        and return to Worldwide Court Reporters, Inc., by 2        _____, 2021; 3        That the amount of time used by each party at the 4        deposition is as follows: 5        MS. HARD-WILSON - 00:00:00 6        MR. FREEMAN - 01:47:18 7        MR. WOODS - 00:00:00 8        MR. PERRIN - 00:00:00 9        MR. MONTGOMERY - 00:00:00 10      That pursuant to information given to the 11      deposition officer at the time said testimony was 12      taken, the following includes counsel for all parties 13      of record: 14      MR. JASON B. FREEMAN, MR. RYAN C. DEAN, AND 15      MR. MATTHEW L. ROBERTS, Attorneys for Plaintiff. 15      MS. BRENDA HARD-WILSON AND MR. TIM WOODS, 16      Attorney for Defendant WINDSPEED TRADING, LLC. 16      MR. EDWARD P. PERRIN, Jr., Attorney for 17      Defendants ACET GLOBAL, LLC; BAYMARK ACET HOLDCO, LLC; 17      BAYMARK ACET DIRECT INVEST, LLC; BAYMARK MANAGEMENT, 18      LLC; BAYMARK PARTNERS; DAVID HOOK; and TONY LUDLOW. 18      I further certify that I am neither counsel for, 19      related to, nor employed by any of the parties or 20      attorneys in the action in which this proceeding was 21      taken, and further that I am not financially or 22      otherwise interested in the outcome of the action. 24      Further certification requirements pursuant to 25      Rule 203 of TRCP will be certified to after they have</p>

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1 occurred.  
2 Certified to by me this \_\_\_\_ day of \_\_\_\_\_, 2021.



6 *mendy Schneider*  
7 Mandy A. Schneider, CSR NO. 7761  
8 Expiration Date: 1-31-2023

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1 FURTHER CERTIFICATION UNDER RULE 203 TRCP  
2 The original deposition was \_\_\_\_ was not \_\_\_\_  
3 returned to the deposition officer on \_\_\_\_\_,  
4 2021.

5 If returned, the attached Corrections and  
6 Signature page contains any changes and the reasons  
therefor;  
7 If returned, the original deposition was delivered  
to MR. JASON B. FREEMAN, Custodial Attorney;

8 That \$ \_\_\_\_\_ is the deposition officer's charges  
9 to the Attorney for Plaintiff, MR. JASON B. FREEMAN,  
10 TBA# 24069736, for preparing the original deposition  
transcript and any copies of exhibits;

11 That the deposition was delivered in accordance  
12 with Rule 203.3, and that a copy of this certificate  
13 was served on all parties shown herein and filed with  
the Clerk.

14 Certified to by me this \_\_\_\_ day of \_\_\_\_\_, 2021.

15 *mendy Schneider*  
16 Mandy A. Schneider, CSR NO. 7761  
17 Expiration Date: 1-31-2023

18 Worldwide Court Reporters, Inc.  
19 Firm Registration No. 223  
3000 Weslayan, Suite 235  
Houston, TX 77027  
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20 JOB NO. 67301  
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23 (Pages 86 to 87)